

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1170

House Bill No. 0691

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-21-107(a), is amended by deleting subparts (3) and (4) in their entirety and substituting instead the following:

(3)

(A) Report annually to the general assembly, governor and the supreme court on the condition of business in the courts and on the advisability of any legislative proposal affecting the judicial system.

(B) The council shall also report on any legislation which proposes the creation of any new judgeship, district attorney general, assistant district attorney general, public defender and assistant public defender. In order to evaluate such legislation, the council shall use the following procedure:

(i) Legislation creating such positions shall be filed with the judicial council by August 12 prior to the legislative session in which a recommendation is sought. The August 12 deadline may be waived if the chair of the judicial council, the chair of the house judiciary committee and the chair of the senate judiciary committee determine that due to circumstances beyond the control of the sponsor the legislation could not reasonably be filed by the deadline and the legislation is necessitated by an emergency situation of sufficient importance to the judiciary that the interests of justice merit the waiver of such deadline.

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(ii) A study is to be made by the staff of the judicial council on any proposed new position with a presentation of its findings being made to the judicial council.

(iii) The staff shall analyze the effects of the proposed creation of any new position upon the personnel requirements of the district attorney general's office and the district public defender's office in the district in which the new position is proposed.

(iv) The council is to develop appropriate criteria for evaluating the need for such positions by adopting appropriate rules and procedures.

(v) The decision of the council and its reasons shall be a part of the council's report.

(C) The council may make any other recommendations as to needed changes in the organization of the judicial department or the courts, or in judicial procedure.

(D) The report shall be a public record, and the council shall file copies thereof with the clerk of the supreme court and make the report accessible to the bar and to the public generally.

(4)

(A) Collect, develop and maintain statistical information relative to sentencing in Tennessee.

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(B) To assist the council in this duty, the clerks of circuit and criminal courts shall send a copy of each judgment document for a felony conviction to the council. These copies shall be forwarded to the council no less than one (1) time each month so that all judgments rendered in one (1) month have been received by the council by the fifteenth (15th) day of the following month.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.